

IN THE CIRCUIT COURT  
ST. LOUIS COUNTY  
STATE OF MISSOURI  
ASSOCIATE DIVISION

2012 JAN -5 PM 12:57

JOAN SHER  
CIRCUIT CLERK

MARCY M. FULLER

Plaintiff,

v.

CENTRAL FINANCIAL CONTROL

Defendant.

Serve at:  
1445 Ross Avenue, Suite 1400  
Dallas, TX 75202

CASE NO. \_\_\_\_\_

JURY TRIAL DEMANDED

PETITION

COMES NOW, Plaintiff, Marcy M. Fuller, and for her Petition states as follows:

INTRODUCTION

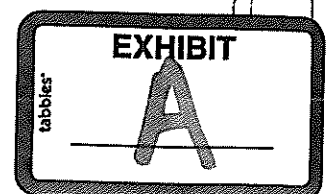
1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. This is an action for statutory damages brought by an individual consumer for violations of the Telephone Consumer Protection Act of 1991 ("TCPA"), 47 USC 227 *et. seq.*

JURISDICTION AND VENUE

3. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k (d). Venue is appropriate in this Court because Defendant aimed its collection activity and committed the violations of the FDCPA described herein at and in St. Louis County, Missouri.

4. This Court has jurisdiction of the TCPA claim under 47 USC 227 (3)(b). Venue is appropriate in this Court because Defendant placed prohibited telephone calls to Plaintiff at Plaintiff's phone located in St. Louis County, Missouri.



### PARTIES

5. Plaintiff is a natural person currently residing in St. Louis County, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA and TCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

6. Defendant is a Missouri corporation with its principal place of business in Hazelwood, Missouri. The principal business purpose of Defendant is the collection of debts, and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA, 15 USC 1692a (6).

### FACTS

8. Defendant's collection activity began within the past twelve (12) months.

9. Defendant's collection activity consisted of numerous telephone calls to Plaintiff's cellular telephone and at least one collection letter.

10. Plaintiff demanded in writing and by e-mail that Defendant cease calling her on her cellular telephone.

11. Plaintiff made a similar demand to the original creditor before Defendant began its collection activity.

12. Defendant has not ceased calling Plaintiff's cellular telephone.

13. Defendant has called and continues to call Plaintiff's cellular telephone daily, and occasionally up to three times per day.

14. Defendant's phone calls for Plaintiff were placed from Defendant's automatic telephone dialing system, as defined by 47 USC 227(a)(1), from the phone number that is registered to the Defendant.

15. Those phone calls were made to Plaintiff's cellular phone and she was charged for those phone calls.

16. Plaintiff never entered into any agreement whereby she provided express consent for Defendant to place calls to her cellular phone with Defendant's automatic telephone dialing system.

17. Plaintiff never entered into any agreement whereby she consented to arbitrate disputes between herself and Defendant.

18. Defendant's collection attempts have caused Plaintiff to incur actual damages including but not limited to cellular phone charges, anxiety, sleeplessness, and worry.

**COUNT I: VIOLATION OF THE FDCPA**

19. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

20. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 USC 1692 *et. seq.*, including, but not limited to, the following:

a. Causing a telephone to ring repeatedly with the intent to annoy, abuse, or harass any person at the called number. 15 USC 1692d, e, f;

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and
- E. For such other relief as the Court may deem just and proper.

**COUNT II: VIOLATION OF THE TCPA**

21. Plaintiff re-alleges and incorporates by reference paragraphs 1 to 18.

22. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the TCPA, 47 USC 227 *et. seq.*, including, but not limited to, the following:

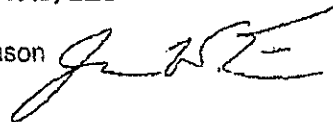
- a. By placing non-emergency phone calls to Plaintiff's cellular phone without express authorized consent of the Plaintiff. 47 USC 227(b) (1) (A) (iii).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Declaratory judgment that Defendant's conduct violated the TCPA;
- B. Actual damages;
- C. Statutory damages pursuant to 47 USC (b)(3); and
- D. For such other relief as the Court may deem just and proper.

EASON & VOYTAS, LLC

s/ James W. Eason



JAMES W. EASON, #57112  
RICK A. VOYTAS, #52046  
EASON & VOYTAS, LLC  
1 North Taylor Ave.  
St. Louis, Missouri 63108  
Phone: (314) 932-1066  
Fax: (314) 667-3161

Summons Fees, if applicable

Summons	\$	
Non Est	\$	
Mileage	\$	(_____ miles @ \$_____ per mile)
Total	\$	

See the following page for directions to clerk and to officer making return on service of summons.



**Service of Process  
Transmittal**

01/30/2012

CT Log Number 519885367

**TO:** Debbie Fowler  
Tenet Healthcare Corporation  
1445 Ross Ave, Fountain Place, Suite 1400  
Dallas, TX 75202-2703

**RE: Process Served in Missouri**

**FOR:** CENTRAL FINANCIAL CONTROL (Assumed Name) (Domestic State: CA)  
SYNDICATED OFFICE SYSTEMS (True Name)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Marcy M. Fuller, Pltf. vs. Central Financial Control, Dft.

**DOCUMENT(S) SERVED:** Summons, Petition(s)

**COURT/AGENCY:** St. Louis County Circuit Court, MO  
Case # 12SLAC00528

**NATURE OF ACTION:** Violation of the FDCA - Violation of the TCPA

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Clayton, MO

**DATE AND HOUR OF SERVICE:** By Process Server on 01/30/2012 at 10:08

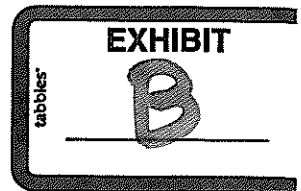
**JURISDICTION SERVED :** Missouri

**APPEARANCE OR ANSWER DUE:** 02/28/2012 at 9:00 a.m.

**ATTORNEY(S) / SENDER(S):** James Windsor Eason  
Eason & Voytas, LLC  
One North Taylor Ave.  
St. Louis, MO 63108  
314-932-1066

**ACTION ITEMS:** CT has retained the current log, Retain Date: 01/30/2012, Expected Purge Date:  
02/04/2012  
Image SOP  
Email Notification, Debbie Fowler debbie.fowler@tenethealth.com  
Email Notification, Olga Barnes olga.barnes@tenethealth.com

**SIGNED:** C T Corporation System  
**PER:** Meghan Saffell  
**ADDRESS:** 120 South Central Avenue  
Suite 400  
Clayton, MO 63105  
**TELEPHONE:** 314-863-5545



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Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: BRENDA STITH LOFTIN	Case Number: 12SL-AC00528
Plaintiff/Petitioner: MARCY M FULLER	Plaintiff's/Petitioner's Attorney/Address or Pro Se's Address/Telephone Number: JAMES WINDSOR EASON EASON & VOYTAS, LLC ONE NORTH TAYLOR AVE. ST. LOUIS, MO 63108 (314) 932-1066
vs.	
Defendant/Respondent: CENTRAL FINANCIAL CONTROL	Date, Time and Location of Court Appearance: 28-FEB-2012 09:00 AM DIVISION 33T ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105
Nature of Suit: AC Other Tort	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri**  
(Associate Division Cases)

The State of Missouri to: CENTRAL FINANCIAL CONTROL  
Alias:

1445 ROSS AVE  
SUITE 1400  
DALLAS, TX 75202

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this Circuit Court, Associate Division on the date, time and location above, to answer the allegation in the petition filed by the above-named Plaintiff/Petitioner, a copy of which is attached. If you fail to appear at the time and place stated in this summons, judgment by default will be taken against you for the relief demanded in the petition. If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

01182012

Date

Further Information:  
SSM

*Joan P. Holmes*  
Clerk

## Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years.
  - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - ☐ other (describe) \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn to before me this \_\_\_\_\_ (date).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title